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SEP 21 2021	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
BY DEPUTY	

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

**CV21-01628-PHX-GMS**

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one)  Yes  No

THIS DOCUMENT IS NOT IN PROPER FORM ACCORDING  
TO FEDERAL AND/OR LOCAL RULES AND PRACTICES  
AND IS SUBJECT TO REJECTION BY THE COURT.

REFERENCE LFCWP 5.4

(Rule Number Section)

Eugene W. Peterson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Penske Truck Leasing Co. LP

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Eugene W. Peterson

Street Address

23637 5th 213<sup>th</sup> Street

City and County

Queen Creek

State and Zip Code

AZ 85142

Telephone Number

(480) 955-9571

E-mail Address

gwc1pterson@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Penske Truck Leasing Co. LP

2675 Morgantown Rd  
Pittsburgh Pennsylvania  
PA 15207  
(60) 755-6000

## Defendant No. 2

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

John Marvin  
District Manager  
1945 W Hilton Avenue  
Phoenix  
AZ 85009  
(602) 936-1227 - (602) 763-7118  
John.Marvin@penske.com

## Defendant No. 3

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Eric Ingram  
District Service Manager  
1100 N 43rd Ave  
Phoenix  
AZ 85043  
(602) 282-8922

## Defendant No. 4

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) Eugene Peterson, is a citizen of the State of (name) Phoenix, Arizona.

##### b. If the plaintiff is a corporation

The plaintiff, (name) Penusick Truck Leasing Co. LP, is incorporated under the laws of the State of (name) Pennsylvania, and has its principal place of business in the State of (name) Phoenix, Arizona.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) John Maxwell, is a citizen of the State of (name) Phoenix, Arizona. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) PENSKE TRUCK LEASING CO. LP, is incorporated under the laws of the State of (name) PENNSYLVANIA, and has its principal place of business in the State of (name) Phoenix Arizona. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Economic-growth, hardship, loss wages, lifestyle change, \$50,000

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

~~Retaliation → Page Attached ppwk~~  
~~discrimination → Page~~  
~~4. Disability → Page~~  
when I got injured the changed the rules for me to comend on January 30 2019

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Monetary damages, punitive damages.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/21/21

Signature of Plaintiff

Eugen Peterson

Printed Name of Plaintiff

Eugen Peterson

**B. For Attorneys**

Date of signing:

Signature of Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bar Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Street Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State and Zip Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E-mail Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Eugene W. Peterson  
23637 S. 213th St.  
Queen Creek, AZ 85142

From: Phoenix District Office  
3300 North Central Ave  
Suite 690  
Phoenix, AZ 85012



*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

480-2020-03966

**Jeremy Yubeta,  
Enforcement Supervisor**

(602) 661-0015

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

6/21/2021

Enclosures(s)

Elizabeth Cadle,  
District Director

(Date Issued)

cc:

Lucy Anthony  
Assoc. General Counsel, Employment  
PENSKE  
2280 Wardlow Cir., Suite 140  
Corona, CA 92880

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
28-CA-209752	November 13, 2017

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer  Penske Truck Leasing CO., L.P.	b. Tel. No. (623) 936-1227
d. Address (street, city, state ZIP code)  1945 W Hilton Avenue, Phoenix, AZ 85009	c. Cell No. (602) 763-7118
e. Employer Representative  John Marvin, District Manager	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) Truck Rental Agency	g. e-Mail john.marvin@penske.com
j. Principal Product or Service Truck Rentals	h. Dispute Location (City and State) Phoenix, Arizona
	k. Number of workers at dispute location ~40

I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by among other acts creating the impression of surveillance of employees' union activities and threatening employees because of their union activities.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him in order to discourage union activities or membership.

By the above and other acts, the Employer has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) Eugene Peterson	
4a. Address (street and number, city, state, and ZIP code)  23637 213 <sup>th</sup> Street, Queens Creek, AZ 85142	4b. Tel. No. n/a
	4c. Cell No. (916) 955-9571
	4d. Fax No. n/a
	4e. e-Mail gene21.peterson@gmail.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. n/a
By: <u>Eugene Peterson</u> (signature of representative or person making charge)	Print Name and Title <u>Eugene Peterson</u>
Address: 23637 213 <sup>th</sup> Street, Queens Creek, AZ 85142	Date: <u>11/13/17</u>
	Office, if any, Cell No. (916) 955-9571
	Fax No. n/a
	e-Mail gene21.peterson@gmail.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
28-CA-209752

Date Filed

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Penske Truck Leasing Co., L.P.

b. Tel. No. 623-936-1227

d. Address (Street, city, state, and ZIP code)  
1945 W Hilton Avenue  
Phoenix, AZ 85009e. Employer Representative  
John Marvin, District Manager

c. Cell No. 602-763-7118

f. Fax No.

g. e-Mail

john.marvin@penske.com

h. Number of workers employed  
~40i. Type of Establishment (factory, mine, wholesaler, etc.)  
Truck Rental Agencyj. Identify principal product or service  
Truck Rentals

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by among other acts creating the impression of surveillance of employees' union activities and threatening employees because of their union activities.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him in order to discourage union activities or membership.

During the past six months, the Employer discriminated against employees, including but not limited to Eugene Peterson by taking disciplinary action against him because he filed a charge with the National Labor Relations Board.

By the above and other acts, the Employer has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Eugene Peterson

4a. Address (Street and number, city, state, and ZIP code)

23637 213th Street  
Queen Creek, AZ 85142

4b. Tel. No.

4c. Cell No. 916-955-9571

4d. Fax No.

4e. e-Mail  
gene21.peterson@gmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(Signature of representative or person making charge)

Eugene Peterson, an Individual

(Print/type name and title or office, if any)

See 4a.

Address \_\_\_\_\_

12/5/17  
(date)

Tel. No.

Office, if any, Cell No.  
See 4c.

Fax No.

e-Mail

See 4e.

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



## Rental | Leasing | Logistics

**Rental Representative - Part-Time**  
Penske Truck Leasing - Phoenix, AZ

### Physical Requirements:

- The physical and mental demands described here are representative of those that must be met by an associate to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- The associate will be required to: read; communicate verbally and/or in written form; remember and analyze certain information; and remember and understand certain instructions or guidelines.
- While performing the duties of this job, the associate may be required to stand, walk, and sit. The associate is frequently required to use hands to touch, handle, and feel, and to reach with hands and arms. The associate must be able to occasionally lift and/or move up to 25lbs/12kg.
- Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception and the ability to adjust focus.

Penske is an Equal Opportunity Employer.

To the Head of the and serve it.

CASU # 480-2020-0396  
Eugene Peterson

To whom this may concerns,

We the employees of Penske have come together to ask that changes be made within the management that have caused the employees to feel threatened and/or harassed.

As we have come together to ask for change, we acknowledge that there is discrimination, unfair treatment, abuse of power, and targeting certain employees.

As the investigation continues, we ask that we, the employees be treated fairly and with respect.

Name: \_\_\_\_\_

Anthony Romero  
Javier Cervantes  
Shawn Floutz  
Daniel Ortega  
Bryan LeFFew  
Justin Bustos  
Jorge A. Ruiz  
Isaac Gómez  
Marksim  
FLA NC MAGANA  
NOE MORALES  
Johnny Bahena  
Waldo Aguirre  
Will Clark  
Vicar Delgado  
RICKY MENDEZ  
Aaron Lampers  
Ricardo Mendez  
Jimmy Richardson  
Falconer Gonzalez  
Chris Mac  
Roberto Ambriz  
LKE W STONKU

Name: \_\_\_\_\_

To whom this may concerns,

We the employees of Penske have come together to ask that changes be made within the management that have caused the employees to feel threatened and/or harassed.

As we have come together to ask for change, we acknowledge that there is discrimination, unfair treatment, abuse of power, and targeting certain employees.

As the investigation continues, we ask that we, the employees be treated fairly and with respect.

Name:

Ramiro Calaviz

Andrew Mallard

Eugene Peterson

Nathan Guenovo

Name:

Eugene Peterson



January 30, 2020

Eugene Peterson  
23637 S 213th Street  
Queen Creek, AZ 85142

Re: Leave of Absence and Employment Status

Dear Eugene:

As you know, you have been out on a leave of absence since August 29, 2018. You exhausted your entitlement for leave under the Family and Medical Leave Act (FMLA) on September 12, 2018. As such, you were granted extended leave as a reasonable accommodation under the Americans with Disabilities Act (ADA), to give you time to heal and hopefully return to work.

Recently we were notified that you received permanent restrictions, indicating your condition is not likely to improve further. Your work-related restrictions include:

- Lifting/carrying 40 pounds or less
- Drive for up to one hour at a time
- No Overhead Activity

Based on the above restrictions, you were deemed unable to return to your previous position as a Tech III. We then provided you with a Vacant Position Search form and searched for jobs in accordance with your indicated parameters:

- 40 miles of location 058710
- At location 058710

Unfortunately, we found no open or soon-to-be-open positions for which you are qualified and could perform, with or without reasonable accommodation.

Unfortunately, that means we have reached the end of the interactive process and must separate you from employment. Your final day of employment will be Friday, February 07, 2020.

We wish you the best in your future endeavors.

Sincerely,

*Brittany Fleming*  
Brittany Fleming  
Penske Leave Team Specialist